

**FILED**

**NOT FOR PUBLICATION**

APR 26 2013

**UNITED STATES COURT OF APPEALS**

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**FOR THE NINTH CIRCUIT**

**SPOKANE AIRPORT BOARD,**

Petitioner,

v.

**MICHAEL P. HUERTA,  
Administrator, and FEDERAL  
AVIATION ADMINISTRATION,**

Respondents.

No. 13-71172

FAA No. 13-1080

**FLATHEAD MUNICIPAL AIRPORT  
AUTHORITY and FRIEDMAN  
MEMORIAL AIRPORT AUTHORITY,**

Petitioners,

v.

**FEDERAL AVIATION  
ADMINISTRATION and MICHAEL P.  
HUERTA, Administrator of the Federal  
Aviation Administration,**

Respondents.

No. 13-71133

**BLOOMINGTON-NORMAL  
AIRPORT AUTHORITY,**

Petitioner,

v.

**MICHAEL P. HUERTA,  
Administrator, and FEDERAL  
AVIATION ADMINISTRATION,**

Respondents.

No. 13-71177

FAA No. 13-1082

**CITY OF ORMOND BEACH,  
FLORIDA; CITY OF NAPLES  
AIRPORT AUTHORITY; and  
CHARLOTTE COUNTY AIRPORT  
AUTHORITY,**

Petitioners,

v.

**MICHAEL P. HUERTA,  
Administrator, and FEDERAL  
AVIATION ADMINISTRATION,**

Respondents.

No. 13-71178

FAA No. 13-1084

**COUNTY OF CUYAHOGA, doing  
business as Cuyahoga County Airport,**

Petitioner,

v.

**MICHAEL P. HUERTA,  
Administrator, and FEDERAL  
AVIATION ADMINISTRATION,**

Respondents.

No. 13-71179

FAA No. 13-1088

**THE OHIO STATE UNIVERSITY,**

Petitioner,

v.

**MICHAEL P. HUERTA,  
Administrator, and FEDERAL  
AVIATION ADMINISTRATION,**

Respondents.

No. 13-71181

FAA No. 13-1101

**RENTON MUNICIPAL AIRPORT and  
THE CITY OF RENTON, a Municipal  
Corporation,**

Petitioners,

v.

**FEDERAL AVIATION  
ADMINISTRATION and MICHAEL P.  
HUERTA, Administrator of the Federal  
Aviation Administration,**

Respondents.

No. 13-71175

**PORT OF PORTLAND,**

Petitioner,

v.

**FEDERAL AVIATION  
ADMINISTRATION and MICHAEL P.  
HUERTA, Administrator of the Federal  
Aviation Administration,**

Respondents.

No. 13-71187

**AMERICAN ASSOCIATION OF  
AIRPORT EXECUTIVES and U.S.  
CONTRACT TOWER ASSOCIATION,**

Petitioners,

v.

**MICHAEL P. HUERTA and  
FEDERAL AVIATION  
ADMINISTRATION,**

Respondents.

No. 13-71202

FAA No. 13-1109

**SOUTHERN ILLINOIS AIRPORT  
AUTHORITY,**

Petitioner,

v.

**MICHAEL P. HUERTA and  
FEDERAL AVIATION  
ADMINISTRATION,**

Respondents.

No. 13-71247

FAA No. 13-1117

**SUSQUEHANNA AREA REGIONAL  
AIRPORT AUTHORITY,**

Petitioner,

v.

**MICHAEL P. HUERTA and  
FEDERAL AVIATION  
ADMINISTRATION,**

Respondents.

No. 13-71248

FAA No. 13-1115

**BOCA RATON AIRPORT  
AUTHORITY,**

Petitioner,

v.

**MICHAEL P. HUERTA and  
FEDERAL AVIATION  
ADMINISTRATION,**

Respondents.

No. 13-71253

FAA No. 13-1128

**MARTIN COUNTY, FLORIDA,**

Petitioner,

v.

**MICHAEL P. HUERTA and  
FEDERAL AVIATION**

No. 13-71259

FAA No. 13-1131

**ADMINISTRATION,**

Respondents.

**CITY OF MCKINNEY, TEXAS,**

Petitioner,

v.

**MICHAEL P. HUERTA and  
FEDERAL AVIATION  
ADMINISTRATION,**

Respondents.

No. 13-71348

FAA No. 13-1135

**WISCONSIN AIRPORT  
MANAGEMENT ASSOCIATION,**

Petitioner,

v.

**MICHAEL P. HUERTA and  
FEDERAL AVIATION  
ADMINISTRATION,**

Respondents.

No. 13-71351

FAA No. 13-1134

**COUNTY OF LOS ANGELES,**

Petitioner,

No. 13-71388

v.

**MICHAEL P. HUERTA and  
FEDERAL AVIATION  
ADMINISTRATION,**

Respondents.

**TEXAS A&M UNIVERSITY, a Texas  
Institution of Higher Learning,**

Petitioner,

v.

**MICHAEL P. HUERTA and  
FEDERAL AVIATION  
ADMINISTRATION,**

Respondents.

No. 13-71414

FAA No. 13-1141

**MOHAVE COUNTY AIRPORT  
AUTHORITY, INC.,**

Petitioner,

v.

**MICHAEL P. HUERTA and  
FEDERAL AVIATION  
ADMINISTRATION,**

Respondents.

No. 13-71423



**CITY OF SAN DIEGO, a charter city  
organized and existing under the  
Constitution of the State of California,**

Petitioner,

v.

**FEDERAL AVIATION  
ADMINISTRATION and MICHAEL P.  
HUERTA,**

Respondents.

No. 13-71442

**ORDER**

Respondents' unopposed motion to consolidate petitions 13-71175, 13-71187, 13-71202, 13-71247, 13-71248, 13-71253 and 13-71259 with consolidated petitions 13-71172, 13-71133, 13-71177, 13-71178, 13-71179 and 13-71181 is granted. The court sua sponte consolidates petitions 13-71348, 13-71351, 13-71388, 13-71414, 13-71423 and 13-71442 with the above petitions. Accordingly, all the petitions listed above are now consolidated, with petition No. 13-71172, Spokane Airport Board v. Huerta, as the lead petition.

The motions to intervene in support of petitioners filed by: 1) the City of Macon, Georgia; 2) the City of Battle Creek, Michigan; 3) the City of Fayetteville, Arkansas; 4) Milwaukee County, Wisconsin, and General Mitchell International Airport and Lawrence J. Timmerman Airfield; 5) the Nashua Airport Authority; 6)

Ogden City Corporation; 7) Lancaster Airport Authority; 8) the City of Concord, North Carolina; 9) Cobb County, Georgia; 10) Gwinnett County, Georgia; 11) Mercer County, New Jersey; and 12) Ventura County, California, are granted.

The parties' joint motion to expedite briefing is granted in part. The briefing schedule shall proceed as follows:

|   | <b>Due date</b>                 |
|---|---------------------------------|
| Filing of the Administrative Record   | April 24, 2013                  |
| One consolidated opening brief on behalf of all petitioners and intervenors, except those in No. 13-71202, limited to no more than 15,000 words | May 6, 2013                     |
| One consolidated opening brief on behalf of petitioners and intervenors in petition No. 13-71202, limited to no more than 5000 words            | May 6, 2013                     |
| Petitioners' record excerpts  | May 6, 2013                     |
| Any <i>amicus</i> briefs, limited to no more than 5000 words  | May 6, 2013                     |
| Respondents' answering brief, limited to no more than 20,000 words  | May 20, 2013                    |
| One consolidated reply brief on behalf of all petitioners and intervenors, except those in No. 13-71202, limited to no more than 7500 words     | May 28, 2013, at 10 A.M. P.D.T. |
| One consolidated reply brief on behalf of petitioners and intervenors in No. 13-71202, limited to no more than 2500 words                       | May 28, 2013, at 10 A.M. P.D.T. |

Oral argument for these consolidated petitions shall be held on June 5, 2013, in Pasadena.

Within two days of the filing of each brief, seven copies of the brief in paper format shall be filed with the clerk of the court in San Francisco. Each copy shall be accompanied by a certification, attached to the end of the brief, that the brief is identical to the version submitted electronically. The paper copies shall be printed from the PDF version of the brief created from the word processing application, not from PACER or Appellate ECF.

The administrative record filed by respondents on April 24, 2013 in lead petition No. 13-71172 shall be spread to all consolidated petitions.

Petitioners and intervenors have filed a consolidated joint urgent motion for a stay pending review in these consolidated petitions. Respondents shall file their consolidated response to the urgent motion for stay by May 24, 2013. Petitioners' and intervenors' consolidated reply to respondents' response is due by May 29, 2013. Petitioner City of San Diego, in petition No. 13-71442, has also filed an urgent motion for stay pending review. The response to that motion and the reply shall follow the schedule above.

FOR THE COURT:

Molly Dwyer  
Clerk of Court

By: Lisa Chen  
Motions Attorney/Deputy Clerk  
9th Cir. R. 27-7  
General Orders/Appendix A